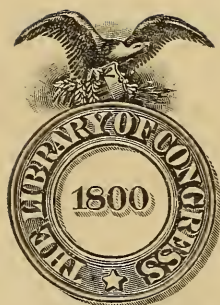


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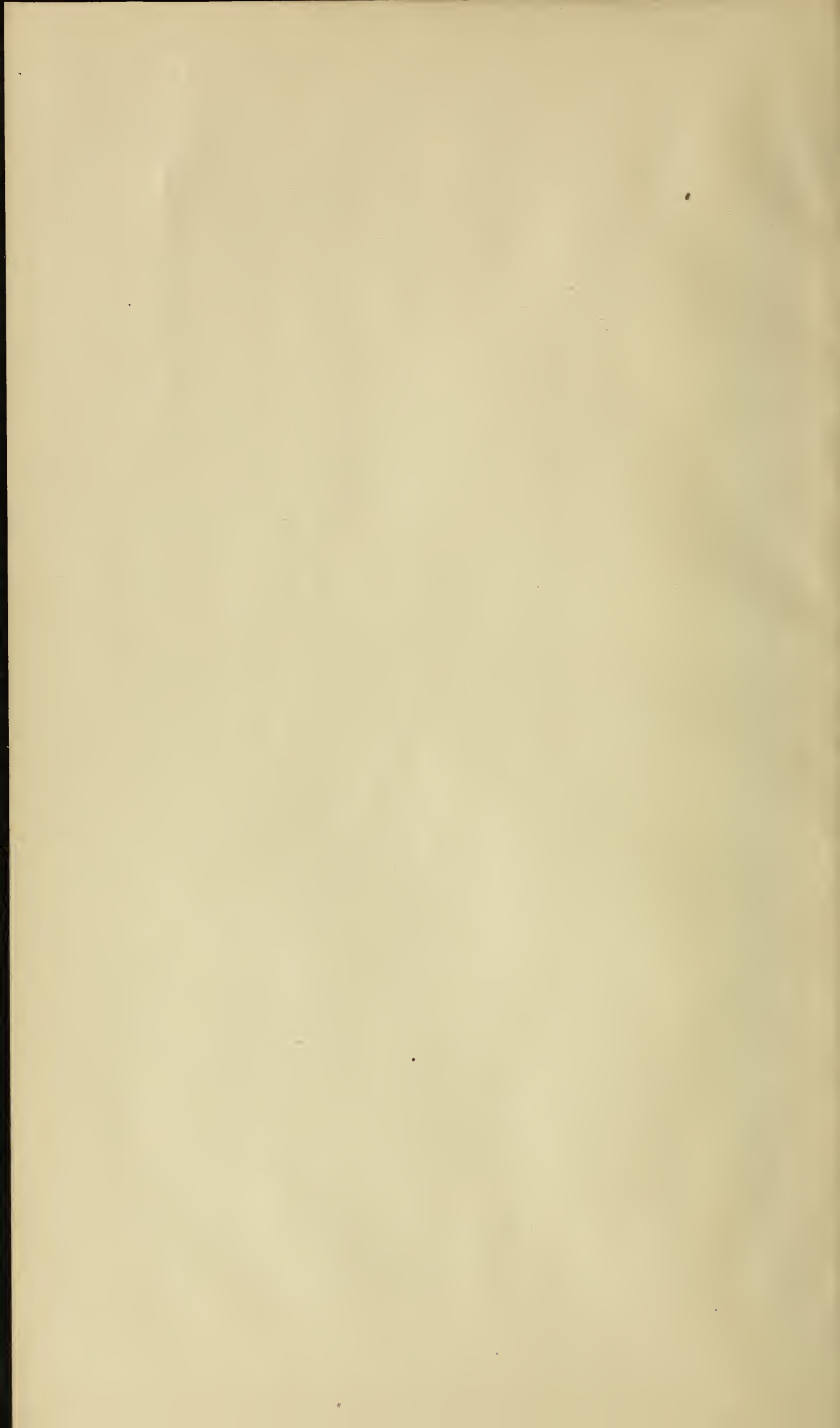


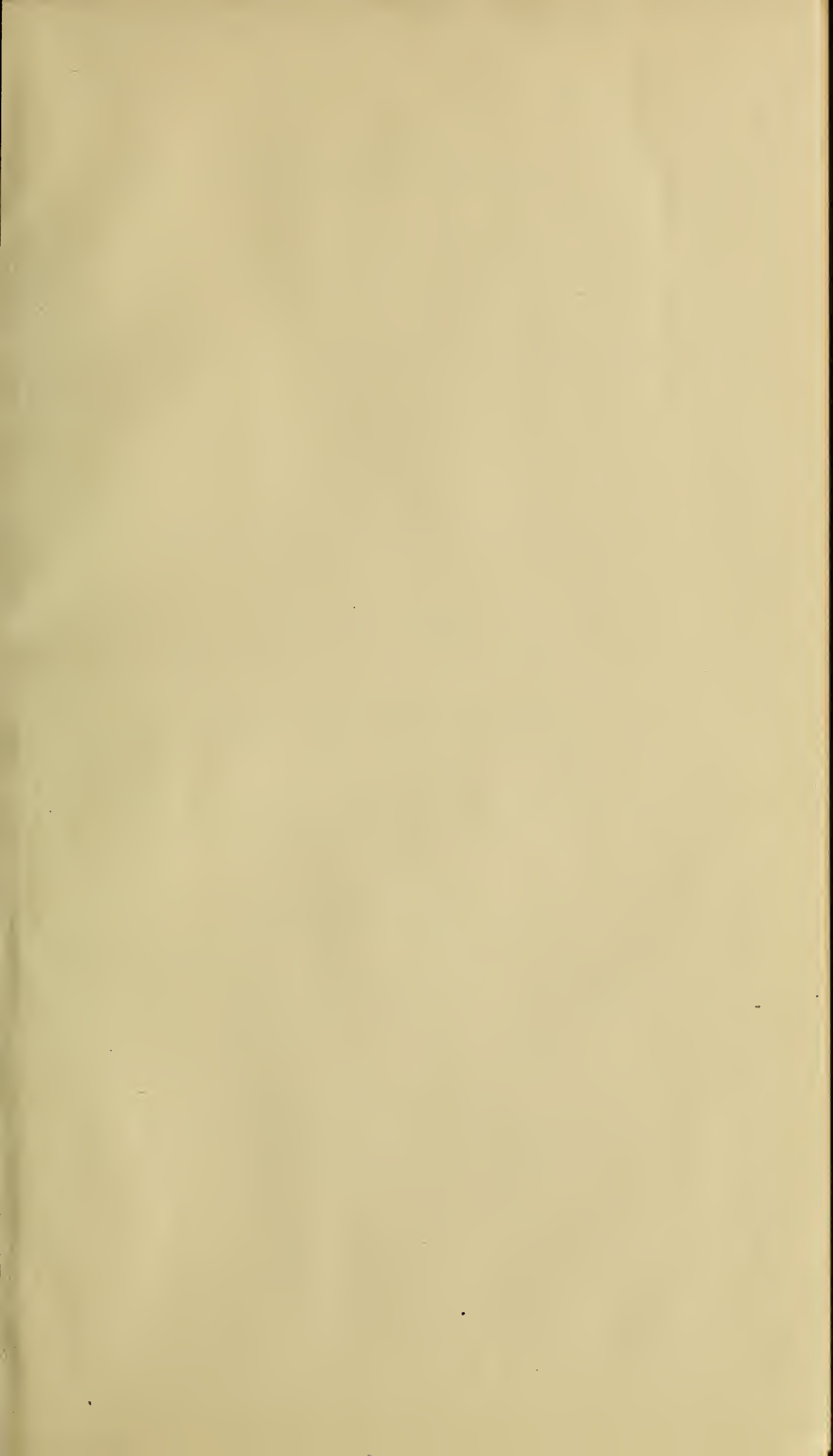
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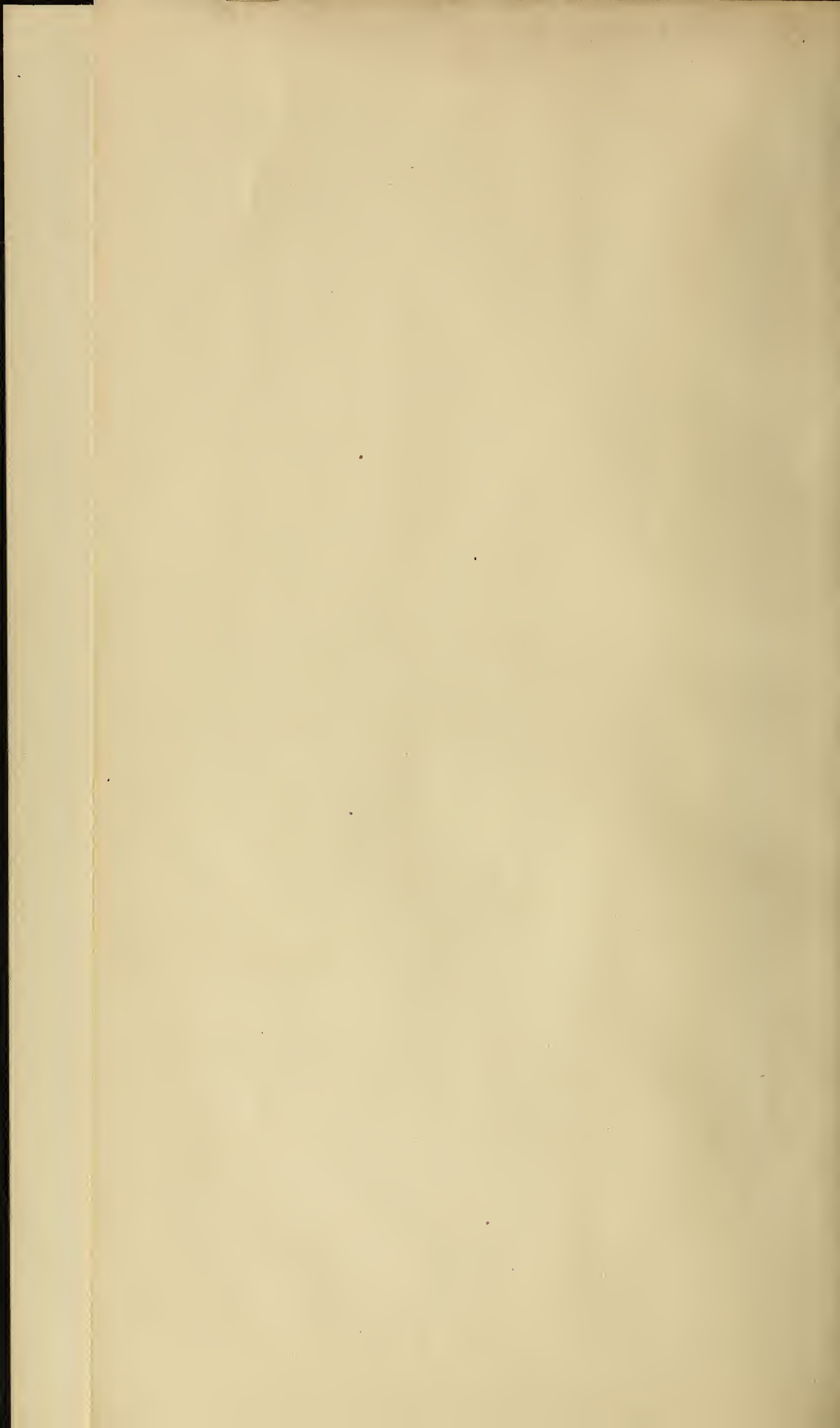
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Voted out or down.

CONSTITUTION

OF THE

STATE OF RHODE-ISLAND

149
437

AND

PROVIDENCE PLANTATIONS,

AS ADOPTED BY THE

CONVENTION,

ASSEMBLED AT PROVIDENCE,

NOVEMBER, 1841.



PROVIDENCE:
KNOWLES & VOSE PRINTERS.
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DEC 1902
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CONSTITUTION
OF THE
STATE OF RHODE-ISLAND
AND
PROVIDENCE PLANTATIONS.

WE, the People of the State of Rhode-Island and Providence Plantations, do ordain and establish this Constitution for the government thereof.

ARTICLE FIRST.

DECLARATION OF CERTAIN CONSTITUTIONAL RIGHTS AND
PRINCIPLES.

In order effectually to secure the religious and political freedom established here by our venerated ancestors, and to preserve the same for their posterity, we do declare, that the inherent, essential, and unquestionable rights and principles hereinafter mentioned, among others, shall be established, maintained and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings.

Section 1. Every person, within this State, ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay ; conformably to the laws.

Sec. 2. The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated ; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by

oath or affirmation, and describing as nearly as may be, the place to be searched and the persons or things to be seized.

Sec. 3. No person shall be holden to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or such offences as are usually cognizable by a justice of the peace ; or in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger. No person shall be tried, after an acquittal, for the same offence.

Sec. 4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted ; and all punishments ought to be proportioned to the offence.

Sec. 5. All persons imprisoned ought to be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it ; nor ever without the authority of the General Assembly.

Sec. 6. In all criminal prosecutions, the accused shall enjoy the privilege of a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, and to have the assistance of counsel in his defence, and be at liberty to speak for himself ; nor shall he be deprived of life, liberty or property, unless by the judgment of his peers, or the law of the land.

Sec. 7. The person of a debtor, where there is not strong presumption of fraud, ought not to be continued in prison, after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 8. No ex post facto law, or law impairing the obligation of contracts, shall be made.

Sec. 9. No man in a court of common law shall be compelled to give evidence criminating himself.

Sec. 10. Every man being presumed innocent, until pronounced guilty by the law, all acts of severity, that are not necessary to secure an accused person, shall be repressed.

Sec. 11. The right of trial by jury shall remain inviolate.

Sec. 12. Private property shall not be taken for public uses, without just compensation.

Sec. 13. The citizens shall continue to enjoy and freely exercise the rights of fishery, and all other rights to which they have been heretofore entitled under the charter of this State, except as is herein otherwise provided.

Sec. 14. The military shall always be held in strict subordination to the civil authority.

Sec. 15. No soldier, shall in time of peace, be quartered in any house, without the consent of the owner ; nor, in time of war, but in manner to be prescribed by law.

Sec. 16. The liberty of the press being essential to the security of freedom in a State, any person may, publish his sentiments on any subject, being responsible for the abuse of that liberty ; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be a sufficient defence to the person charged.

Sec. 17. The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of Government, for redress of grievances, or other purposes, by petition, address or remonstrance.

Sec. 18. The right of the people to keep and bear arms, shall not be infringed.

Sec. 19. Slavery shall not be tolerated in this State.

Sec. 20. Whereas Almighty God hath created the mind free ; and all attempts to influence it, by temporal punishments or burthens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness ; and whereas a principal object of our venerable ancestors, in their migrations to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil state, may stand, and be best maintained, with full liberty in religious concernments ; We therefore declare that no man shall be compelled to frequent or support any religious worship, place or ministry whatever ; nor enforced, restrained, molested or burthened in his body or goods ; nor disqualified from hold-

ing any office ; nor otherwise suffer, on account of his religious belief. And that all men shall be free to profess, and by argument to maintain their opinion in matters of religion ; and that the same shall in no wise diminish, enlarge or affect their civil capacities.

Sec. 21. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

ARTICLE SECOND.

OF THE RIGHT OF SUFFRAGE.

Section 1. Every person who is now a freeman and qualified voter shall continue to be so, so long as he retains the qualifications upon which he was admitted.

Sec. 2. Hereafter, every white male native citizen of the United States, or any territory thereof, of the full age of twenty-one years, who shall have had his actual permanent residence and home in this State, for the period of one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and shall be seized in his own right, of a freehold real estate in such town or city, of the value, at least, of one hundred and thirty-four dollars, over and above all incumbrances, shall therefrom have a right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings.

Sec. 3. Every white male native citizen of the United States or any territory thereof, of the full age of twenty-one years, who shall have had his actual permanent residence and home in this State for the period of two years, and in the town or city in which he may claim a right to vote, six months, next preceding the time of voting, shall have a right to vote in the election of all civil officers, and on all questions, in all legal town or ward meetings: *Provided, however,* that no person who is not now a freeman, shall be allowed to vote upon any motion to impose a tax, or incur expenditures, in any town or city, unless he possess the freehold qualification required by this article ; or shall have been taxed on property valued, at least, at one hundred and fifty dollars, within one year from

the time he may offer to vote, and shall have paid such tax in said town or city.

Sec 4. Any white male native of any foreign country of the full age of twenty-one years, naturalized in the United States according to law, who shall have had his actual permanent residence and home in this State for the period of three years after his naturalization, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and shall be seized in his own right, of a freehold real estate, in such town or city, of the value, at least, of one hundred and thirty-four dollars, over and above all incumbrances, shall, therefrom, have a right to vote in the election of all civil officers, and in all questions in all town or ward meetings. But no person in the military, naval, marine, or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State. And no pauper, lunatic, or person non-compos mentis, or under guardianship, shall be permitted to vote ; nor shall any person convicted of any crime, deemed infamous at common law, be permitted to exercise that privilege, until he be restored thereto by the General Assembly. Persons residing on land ceded by this State to the United States shall not be entitled to exercise the privilege of electors during such residence.

Sec 5. The General Assembly shall, as soon as may be after the adoption of this Constitution, provide for the registration of of voters ; and shall also have full power generally to enact all laws necessary to carry this article into effect, and to prevent abuse and fraud in voting.

Sec 6. All persons entitled to vote shall be protected from arrest in civil cases, on the days of election, and on the day preceding, and the day following an election.

Sec. 7. In the city of Providence and all other cities no person shall be eligible to the office of mayor, alderman, or common councilman, who is not qualified to vote upon a motion to impose a tax or incur expenditures as herein provided.

Sec. 8. The General Assembly shall have power to provide,

by special or general laws, for the admission of any native male citizen of the United States, or any territory, who shall have had his permanent residence and home in this State for two years, but who is not otherwise qualified under this article, to vote on such conditions as they may deem proper, except for taxes and expenditures.

ARTICLE THIRD.

OF THE DISTRIBUTION OF POWERS.

The powers of the government shall be distributed into three distinct branches ; the Legislative, Executive and Judicial.

ARTICLE FOURTH.

OF THE LEGISLATIVE POWER.

Section. 1. This Constitution shall be the supreme law of the State, and all laws inconsistent therewith shall be void. The General Assembly shall pass all such laws as are necessary to carry this Constitution into effect.

Sec. 2. The Legislative power, under this Constitution, shall be vested in two distinct Houses, or Branches, each of which shall have a negative on the other ; the one to be styled the Senate, the other the House of Representatives ; and both together the General Assembly. The style of their laws shall be, It is enacted by the General Assembly as follows.

Sec. 3. There shall be one session of the General Assembly holden annually at Newport, on the first Tuesday of May ; and one other annual Session to be holden on the last Monday of October, once in two years at South Kingstown, and the intermediate years alternately at Bristol and East Greenwich ; and the adjournment from the October Session, shall be holden at Providence.

Sec. 4. No member of the General Assembly shall take any fees, or be of counsel in any case pending before either branch of the General Assembly, under penalty of forfeiting his seat, upon due proof thereof to the satisfaction of the branch of which he is a member.

Sec. 5. The person and estate of every member of the Gen-

eral Assembly shall be free and exempt from all process in any civil action during the session of the General Assembly, and for two days before the commencement, and after the termination thereof. And all process served contrary hereto shall be void. And for any speech in debate, in either House, no member shall be questioned in any other place.

Sec. 6. Each House shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties as each House may prescribe.

Sec. 7. Each House may determine the rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Sec. 8. Each House shall keep a journal of its proceedings. The yeas and nays of the members of either House, shall, at the desire of one-fifth of those present, be entered on the journal.

Sec. 9. Neither House shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

Sec. 10. The General Assembly shall continue to exercise the judicial power, the power of visiting corporations, and all other powers they have heretofore exercised not inconsistent with this Constitution.

Sec. 11. The General Assembly shall regulate the compensation of the Governor and other officers elected by general ticket, or by the General Assembly, and of the members of the General Assembly, subject to the limitations contained in this Constitution.

Sec. 12. All lotteries shall hereafter be prohibited in this State, except those already authorized by the General Assembly.

Sec. 13. The General Assembly shall have no power, hereafter, to incur State debts, to an amount exceeding fifty thousand dollars, except in time of war, or in case of invasion, without the express consent of the people, nor in any case

without such consent to pledge the faith of the State for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this State by the Government of the United States.

Sec. 14. The assent of two-thirds of the members elected to each branch of the General Assembly shall be required to every bill appropriating the public moneys or property for local or private purposes.

Sec. 15. The General Assembly shall from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as they may deem best. No direct State tax shall be assessed on the rateable property of the State before a new estimate of such property shall be taken.

Sec. 16. Whenever a direct tax is laid by the State, one-sixth part thereof shall be assessed on the polls of the qualified electors ; provided that the tax on a poll shall never in any one tax exceed the sum of fifty cents.

Sec. 17. The General Assembly may provide by law for the continuance in office of any officers of annual appointment until other persons are qualified to take their places.

ARTICLE FIFTH.

OF THE HOUSE OF REPRESENTATIVES.

Section 1. The House of Representatives shall consist of members elected by the Electors of the several towns and cities in the respective town and ward meetings. Each town or city having four thousand inhabitants, and under six thousand five hundred, shall be entitled to elect three Representatives ; each town or city having six thousand five hundred inhabitants, and under ten thousand, shall be entitled to elect four Representatives ; each town or city having ten thousand inhabitants, and under fourteen thousand, shall be entitled to elect five Representatives ; each town or city having fourteen thousand inhabitants, and under eighteen thousand, shall be entitled to elect six Representatives ; each town or city having eighteen thousand inhabitants, and under twenty-two thousand, shall be entitled to elect seven Representatives ; each

town or city having over twenty-two thousand inhabitants, shall be entitled to elect eight Representatives. But no town or city shall be entitled to elect more than eight Representatives; and every town or city shall be entitled to elect two. The Representation of the several towns and cities in this State shall be apportioned agreeable to the last census of the people of the United States, preceding the election.

Sec. 2. The House of Representatives shall have authority to elect its Speaker, Clerks, and other officers. The oath of office shall be administered by the Secretary of State, or in his absence, by the Attorney General. The Clerks shall be engaged by the Speaker.

Sec. 3. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

Sec. 4. The senior member from the town of Newport, present, shall preside in the organization of the House.

ARTICLE SIXTH.

OF THE SENATE.

Section 1. The Senate shall consist of nineteen members, to be chosen annually by the majority of electors, by districts. The State shall be divided into sixteen districts, as follows :

First. The town of Newport shall constitute the first Senatorial district, and shall be entitled to elect two Senators.

Second. The towns of Portsmouth, Middletown, Tiverton, Little Compton, New Shoreham, and Jamestown shall constitute the second Senatorial district, and shall be entitled to elect two Senators.

Third. The City of Providence, shall constitute the third Senatorial district, and shall be entitled to elect two Senators.

Fourth. The town of Smithfield shall constitute the fourth Senatorial district, and shall be entitled to elect one Senator.

Fifth. The towns of Cumberland and North Providence, shall constitute the fifth Senatorial district, and shall be entitled to elect one Senator.

Sixth. The towns of Scituate, Cranston, and Johnston, shall

constitute the sixth Senatorial district, and shall be entitled to elect one Senator.

Seventh. The towns of Glocester, Foster and Burrillville, shall constitute the seventh Senatorial district and shall be entitled to elect one Senator.

Eighth. The town of South Kingstown, shall constitute the eighth Senatorial district and shall be entitled to elect one Senator.

Ninth. The towns of Westerly and Charlestown shall constitute the ninth Senatorial district, and shall be entitled to elect one Senator.

Tenth. The towns of Hopkinton and Richmond, shall constitute the tenth Senatorial district, and shall be entitled to elect one Senator.

Eleventh. The towns of North Kingstown and Exeter shall constitute the eleventh Senatorial district, and shall be entitled to elect one Senator.

Twelfth. The town of Bristol shall constitute the twelfth Senatorial district, and shall be entitled to elect one Senator.

Thirteenth. The towns of Warren and Barrington shall constitute the thirteenth Senatorial district, and shall be entitled to elect one Senator.

Fourteenth. The towns of East Greenwich and West Greenwich shall constitute the fourteenth Senatorial district, and shall be entitled to elect one Senator.

Fifteenth. The town of Coventry shall constitute the fifteenth Senatorial district, and shall be entitled to elect one Senator.

Sixteenth. The town of Warwick shall constitute the sixteenth Senatorial district, and shall be entitled to elect one Senator.

And no more than one Senator shall be elected from any town for the same term, in the second senatorial district.

Sec. 2. The Lieutenant Governor shall ex-officio be a member of the Senate.

The Secretary of State shall be by virtue of his office Secretary of the Senate, unless otherwise provided by law, and the

Senate may elect such other officers as they may deem necessary.

Sec. 3. If, by reason of death, resignation, or absence, there be no Governor or Lieutenant Governor present, to preside in the Senate, the Senate shall elect one of their own number to preside, until the Governor or Lieutenant Governor returns, or until one of said offices is filled according to this Constitution, and until such election is made by the Senate, the Secretary of State shall preside.

ARTICLE SEVENTH.

OF IMPEACHMENTS.

Section 1. The House of Representatives shall have the sole power of impeachment.

Sec. 2. All impeachments shall be tried by the Senate ; and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of the members elected. When the Governor is impeached, the Chief or presiding Justice of the Supreme Judicial Court for the time being, shall preside, with a casting vote in all preliminary questions.

Sec. 3. The Governor, and all other Executive and Judicial officers shall be liable to impeachment ; but judgment in such cases, shall not extend further than to removal from office. The party convicted, shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

ARTICLE EIGHTH.

OF THE EXECUTIVE POWER.

Section 1. The chief executive power of this State shall be vested in a Governor.

Sec. 2. The Governor shall take care that the laws be faithfully executed.

Sec. 3. He shall be Captain-General and Commander-in-Chief of the military and naval forces of this State, except when they shall be called into the service of the United States.

Sec. 4. He shall have power to grant reprieves, after conviction, in all cases, except those of impeachment, until the end of the next session of the General Assembly, and no longer.

Sec. 5. The person filling the office of Governor shall preside in the Senate and in Grand Committee ; and shall have a right in case of equal division, to vote—not otherwise.

Sec. 6. He may fill vacancies in office not otherwise provided for by this Constitution or by law, until the same shall be filled by the General Assembly, or the people.

Sec. 7. In case of disagreement between the two Houses of the General Assembly, respecting the time or place of adjournment, certified to him by either, he may adjourn them to such time and place as he shall think proper ; provided that the time of adjournment shall not be extended beyond the day of the next stated session.

Sec. 8. He may, on special emergencies, convene the General Assembly at any town in this State, at any time not provided for by law ; and in case of danger from the prevalence of epidemic or contagious diseases, in either of the places in which the General Assembly may by law meet, or to which they may have been adjourned ; or from other circumstances, he may, by proclamation, convene said Assembly, at any other place within this State.

Sec. 9. All commissions shall be in the name and by authority of the State of Rhode Island and Providence Plantations ; shall be sealed with the State seal, signed by the Governor and attested by the Secretary.

Sec. 10. In case of the death, resignation, refusal or inability to serve, or removal from office of the Governor, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the next annual election for Governor, and be duly qualified, or until the Governor impeached or absent, shall be acquitted or return.

Sec. 11. If the offices of Governor and Lieutenant Governor be both vacant by reason of death, resignation, absence or otherwise, the person entitled to preside over the Senate for the time being, shall in like manner administer the government, until he be superseded by a Governor or Lieutenant Governor.

Sec. 12. The compensation of the Governor and Lieutenant

Governor shall be established by law, and shall not be diminished during the term for which they were elected.

Sec. 13. The duties and powers of the Secretary, Attorney General, and General Treasurer, shall be the same under this Constitution, as are now established, or from time to time may be prescribed by law.

ARTICLE NINTH.

OF ELECTIONS.

Section 1. The Governor, Lieutenant Governor, Senators, Representatives, Secretary of State, Attorney General, and General Treasurer, shall be elected at the town, city or ward meetings, to be holden on the third Wednesday of April, annually ; and shall severally hold their offices for one year, from the first Tuesday in May next succeeding their election, and until others are legally chosen and duly qualified to fill their places.

Sec. 2. The voting for all officers chosen by the people, except town or city officers, shall be by ballot, in manner to be regulated by law. Town or city officers shall be chosen by ballot, on demand of any two persons entitled to vote for the same.

Sec. 3. The names of the persons voted for as Governor, Lieutenant Governor, Secretary of State, General Treasurer and Attorney General, shall be put upon one ticket, and the tickets shall be deposited by the moderator or warden in a box by themselves. The names of the persons voted for as Senators, and as Representatives, shall be put upon separate tickets, and the tickets shall be deposited by the moderator or warden in separate boxes. The polls for all the officers named in this section shall be opened at the same time.

Sec. 4. All the votes given for Governor, Lieutenant Governor, Secretary of State, General Treasurer and Attorney General, and also for Senators, shall remain in the ballot boxes till the polls are closed. These votes shall then in open town and ward meetings be taken out and sealed in separate envelopes by the moderators and town clerks and by the wardens and ward clerks, who shall certify the same and forthwith de-

liver or send them to the Secretary of State; whose duty it shall be securely to keep the same, and to deliver the votes for General Officers to the Speaker of the House of Representatives, after the House shall be organized, at the May session of the General Assembly. The votes last named shall without delay be opened, counted and declared, in such manner as the House of Representatives shall direct. The votes for Senators shall be counted by the Governor and Secretary of State, within seven days from the day of election, and the Governor shall give certificates to the Senators who are elected.

Sec. 5. The votes for Representatives in the several towns, after the polls are declared to be closed for the same, shall be counted by the moderators and clerks, who shall announce the result, and give certificates to the persons elected. If there be no election, or not an election of the whole number of Representatives to which the town is entitled, the polls for Representatives may be re-opened, and the like proceedings shall be had until an election shall take place: provided however, that an adjournment or adjournments of the election may be made to a time not exceeding seven days from the first meeting.

Sec. 6. In the city of Providence and other cities, the polls for Representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting and delivered to the city clerk. The Mayor and Aldermen of said city or cities, shall proceed to count said votes within two days from the day of election; and if no election, or an election of only a portion of the Representatives shall have taken place, the Mayor and Aldermen shall order a new election, to be held not more than ten days from the day of the first election, and so on till the election of Representatives shall be completed. Certificates of election shall be furnished by the city clerks to the persons chosen.

Sec. 7. If no person shall have a majority of votes for the office of Governor, or Lieutenant Governor, the Senate and

House of Representatives, in grand committee, may choose one by ballot from the two persons having the highest number of votes.

Sec. 8. In case an election of the Secretary of State, Attorney General, or General Treasurer, should fail to be made by the electors at their annual election, the vacancy or vacancies shall be filled by the General Assembly in grand committee, from the two candidates for such office having the greatest number of the votes of the electors. Or, in case of a vacancy in either of said offices from other causes, between the sessions of the General Assembly, the Governor shall appoint some person to fill the same until a successor elected by the General Assembly is qualified to act ; and in such case, and also in all other cases of vacancies not otherwise provided for, the General Assembly may fill the same in any manner they may deem proper.

Sec. 9. If there be no choice of a Senator or Senators at the annual election, or if a vacancy in the Senate occur from any other cause, the Governor shall issue his warrant to the town and ward clerks of the several towns and cities, in the Senatorial district or districts, that may have failed to elect, or where such vacancy may have occurred, requiring them to open town or ward meetings for another election, on a day to be by him appointed, not more than fifteen days from the time of issuing such warrant ; and in such election, a plurality of votes shall elect.

Sec. 10. All general officers shall take the following engagement before they act in their respective offices, to wit : You being by the free vote of the freemen of this State of Rhode-Island and Providence Plantations, elected unto the place of do solemnly swear (or affirm) to be true and faithful unto this State, and to support the Constitution of this State and of the United States ; that you will faithfully and impartially discharge all the duties of your aforesaid office, to the best of your abilities, according to law : So help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury. And the members of the

General Assembly shall take an engagement to the same effect.

Sec. 11. In all elections held by the people, under this Constitution, a majority of all the electors voting shall be necessary to the choice of the persons voted for, except as is herein otherwise provided.

Sec. 12. The officers now elected in Grand Committee, except Justices of the Peace, shall continue to be so elected until otherwise prescribed by law.

Sec. 13. The oath, or affirmation, shall be administered to the Governor, Lieutenant Governor and Senators, by the Speaker of the House of Representatives in presence of the House, or elsewhere, by a Justice of the Supreme Judicial Court. The Secretary of State, Attorney General and General Treasurer, shall be engaged by the person exercising the office of Governor.

ARTICLE TENTH.

OF QUALIFICATIONS FOR OFFICE.

Section 1. No person shall be qualified to hold the office of Governor, Lieutenant-Governor, Senator, or Representative in the General Assembly, unless he be a duly qualified elector. No person shall be elected Representative to the General Assembly, or to any town or city office, unless he be a qualified elector and inhabitant of the town or city which elects him.

Sec. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered or procured any other person to offer any bribe to secure his election, or the election of any other person.

Sec. 3. The Judges of all the Courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this Constitution, and the Constitution of the United States.

Sec. 4. No person who holds any office under the Government of the United States, or any other State or Foreign country, shall be capable of acting as a general officer, or shall take a seat in the General Assembly, unless at the time of taking

his engagement, he shall have resigned his office under such other government. And if any general officer, Senator, Representative or Judge, shall, after his election, accept or hold any office under any other Government, he shall not be capable thereafter of acting as a General officer, Senator, Representative, or Judge, but the office shall be thereby vacated.

ARTICLE ELEVENTH.

OF THE JUDICIAL POWER.

Section 1. The Judicial power of this State shall be vested in one Supreme Judicial Court, and in such inferior Courts as the General Assembly, may, from time to time, ordain and establish; and the jurisdiction of the Supreme and of all other Courts, may, from time to time, be regulated by the General Assembly.

Sec. 2. Chancery powers may be conferred by the General Assembly on the Supreme Judicial Court; but no other Court exercising Chancery powers, shall be established in this State, except as is now provided by law.

Sec. 3. The Justices of the Supreme Judicial Court shall be elected in Grand Committee of the two Houses, to hold their offices until their places be declared vacant by a resolution of the General Assembly to that effect; which shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred in by the same majority of the other House. Such resolution shall not be entertained at any other than the annual Session for the election of public officers; and in default of the passage thereof at said Session, the Judge or Judges shall hold his or their places as is herein provided. But a Judge of this, or of any other Court inferior to the same, shall be removable from office, if upon impeachment he shall be found guilty of any official misdemeanor.

Sec. 4. In case of vacancy by the death, resignation, refusal or inability to serve, or absence from the State of a Judge of this Court, his place may be filled by the Grand Committee until the next annual election; when, the Judge elected, shall hold his office as before provided.

Sec. 5. The Judges of the Supreme Judicial Court shall receive a suitable compensation for their services, which shall not be diminished during their continuance in office.

Sec. 6. The Judges of the Supreme Judicial Court, shall in all trials instruct the Jury in the law.

Sec. 7. There shall be annually elected by each town, and by the several wards in the city of Providence, a sufficient number of Justices of the Peace or Wardens, resident therein with such jurisdiction as the General Assembly may prescribe. And said Justices or Wardens, except in the towns of New Shoreham and Jamestown, shall be commissioned by the Governor.

Sec. 8. The Courts of Probate in this State, excepting the Supreme Judicial Court, shall remain as at present established by law, until the General Assembly shall otherwise prescribe.

ARTICLE TWELFTH.

OF EDUCATION.

Section 1. The diffusion of knowledge, as well as of virtue, among the people, being essential for the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools, and to adopt all other means to secure to the people the advantages and opportunities of education, which they may deem necessary and proper.

Sec. 2. The money which now is, or which may hereafter be appropriated by law for the formation of a permanent fund for the support of Public Schools, shall be securely invested and remain a perpetual fund for that purpose.

Sec. 3. All donations for the support of Public Schools or for other purposes of education, which shall be received by the General Assembly, shall be applied according to the terms prescribed by the donors.

Sec. 4. The General Assembly shall make all necessary provisions by law for carrying this Article into effect. They are prohibited from diverting said moneys or fund from the aforesaid uses, and from borrowing, appropriating or using the same, or any part thereof, for any other purpose under any pretence, whatsoever.

ARTICLE THIRTEENTH.

OF AMENDMENTS.

The General Assembly may propose amendments to this Constitution by the votes of a majority of all the members elected to each House. Such propositions shall be published in the newspapers, and printed copies of said propositions shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State; and the said propositions shall be, by said Clerks, inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the Clerks shall read said propositions to the Electors when thus assembled, with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Representatives and Senators shall be had. If a majority of all the members elected to each House, at said annual meeting, shall approve any proposition thus made, the same shall be published and sent to the electors in the mode provided in the act of approval; and if then approved by three fifths of the electors of the State present, and voting thereon in town and ward meetings, it shall become a part of the Constitution of the State.

ARTICLE FOURTEENTH.

OF THE ADOPTION OF THIS CONSTITUTION.

Section 1. This Constitution, if adopted, shall go into operation on the first Tuesday in May, in the year one thousand eight hundred and forty-two. The first election of Governor, Lieutenant-Governor, Secretary of State, Attorney General, and General Treasurer, and of Representatives and Senators under said Constitution, shall be had on the third Wednesday of April next preceding. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil, judicial and military officers now elected, or who shall hereafter be elected, by the General Assembly, or other competent authority, before the said first Tuesday of May, shall

hold their offices and may exercise their powers until that time, or until their successors are qualified to act. All statutes, public and private, not repugnant to this Constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All charters, contracts, judgments, actions, and rights of action, shall be as valid as if this Constitution had not been made. The present government shall exercise all the powers, with which it is now clothed until the said first Tuesday of May, one thousand eight hundred and forty-two, and until their successors, under this Constitution are duly elected and qualified.

Sec. 2. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the State, as if this Constitution had not been formed.

Sec. 3. The Supreme Judicial Court, established by this Constitution, shall have the same jurisdiction as the Supreme Judicial Court at present established, and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present Supreme Judicial Court, until otherwise prescribed by the General Assembly.

Sec. 4. The towns of Jamestown and New-Shoreham shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Done in Convention, Feb. 19, 1842.

HENRY Y. CRANSTON,

President of the Convention.

THOMAS A. JENCKES, *Secretary.*

WALTER W. UPDIKE, *Assistant Secretary.*

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS, }
Secretary's Office, February, 1842. }

The foregoing is a true copy of the original Roll deposited in the Secretary's office.

Witness :

HENRY BOWEN, Sec'ry.

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

In Convention, February 19th, A. D. 1842.

Resolved, That the Constitution framed by this Convention, be certified by the President and Secretaries, and with the journal and papers of the Convention, shall be deposited in the office of the Secretary of State ; that the Secretary of State cause said Constitution, together with this Resolution, and all the Acts and Resolutions of the General Assembly relating to this Convention, to be printed and distributed according to law ; and that said Constitution be submitted to all the people authorized to vote for General Officers under the same, for their ratification or rejection, at town and ward meetings, to be holden in the several towns, and in the city of Providence, on Monday, Tuesday and Wednesday, the twenty-first, twenty-second, and twenty-third days of March, A. D., 1842. The several town and city Clerks shall issue the necessary warrants for said meetings. Said meetings shall be kept open for the reception of votes, from the hour of nine o'clock in the forenoon, until seven o'clock in the afternoon ; and in the city of Providence and town of Newport, until nine o'clock in the evening, on the days appointed. At said town and ward meetings every person voting, shall have his name written on the back of his ballot ; and said ballots shall be sealed up in open town or ward meetings, and with lists of the names of the voters, shall be returned to the General Assembly at their session to be holden on the fourth Monday of March next.

Read and adopted February, 19, 1842.

THOMAS A. JENCKES, *Sec'ry.*

True copy of the original Resolution deposited in the office of the Secretary of State.

Witness :

HENRY BOWEN, *Sec'ry.*

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, January Session, A. D. 1841.

Resolved by the General Assembly, (the Senate concurring with the House of Representatives therein,) that the Freemen of the several towns in this State, and of the city of Providence, qualified to vote for General Officers, be, and they are hereby requested to choose, at their semi-annual town or ward meetings in August next, so many delegates, and of like qualifications, as they are now respectively entitled to choose Representatives to the General Assembly, to attend a Convention, to be holden at Providence, on the first Monday of November, 1841, to frame a new Constitution for this State, either in whole or in part, with full powers for this purpose : and if only for a Constitution in part, that said Convention have under their especial consideration, the expediency of equalizing the representation of the towns in the House of Representatives.

Resolved, That a majority of the whole number of Delegates, which all the towns are entitled to choose, shall constitute a quorum ; who may elect a President and Secretary, judge of the qualifications of the members, and establish such rules and proceedings as they may think necessary ; and any town or city which may omit to elect its Delegates at the said meetings in August, may elect them at any time previous to the meeting of said Convention.

Resolved, That the Constitution or Amendments agreed upon by said Convention, shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said Convention. The said Constitution or amendments, shall be certified by the President and Secretary, and returned to the Secretary of State ; who shall forthwith distribute to the several town and city clerks, in due proportion, one thousand printed copies thereof ; and also fifteen thousand ballots, on one side of which shall be printed amendments, or, Constitution adopted by the Convention, holden at Providence, on the first Monday of November last : and on the other side, the word *Approve*, on one half of the said ballots, and the word *Reject*, on the other half.

Resolved, That, at the town or ward meetings to be holden as aforesaid, every freeman voting, shall have his name written on the back of his ballot : and the ballots shall be sealed up in open town or ward meeting by the clerks, and with lists of the names of the voters, shall be returned to the General Assembly, at its next succeeding session ; and said General Assembly, shall cause said ballots to be examined and counted ; and

said amendments, or Constitution, being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said Convention.

Resolved, That a sum not exceeding three hundred dollars, be appropriated for defraying the expenses of said Convention, to be paid according to the order of said Convention, certified by its President.

True copy :— *Witness*,

HENRY BOWEN, *Sec'ry*.

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, May Session, A. D. 1841.

Resolved by this General Assembly, (the Senate concurring with the House of Representatives therein,) that the Delegates from the several towns to the State Convention, to be holden in November next, for the purpose of framing a State Constitution, be elected on the basis of population, in the following manner, to wit : every town of not more than 850 inhabitants may elect one delegate ; of more than 850 and not more than 3000 inhabitants, two delegates ; of more than 3000 and not more than 6000 inhabitants, three delegates ; of more than 6000 and not more than 10,000 inhabitants, four delegates ; of more than 10,000 and not more than 15,000 inhabitants, five delegates ; of more than 15,000 inhabitants, six delegates.

Resolved, That the delegates attending said Convention be entitled to receive from the general treasury the same pay as members of the General Assembly.

Resolved, that so much of the Resolutions to which these are in amendment, as is inconsistent herewith, be repealed.

True copy :— *Witness*.

HENRY BOWEN, *Sec'ry*,

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, January Session, A. D. 1842.

Resolved by this General Assembly, (the Senate concurring with the House of Representatives therein,) that the freemen of the towns in this State, in whose delegation to the Convention called to frame a Constitution, vacancies have occurred

since the meeting of that Convention, or may hereafter occur, be requested to elect delegates to fill those vacancies at town and ward meetings, to be holden before, or during the session of said Convention; notice of such meetings to be given at least one day previous to the holding thereof.

True copy :—*Witness,*

HENRY BOWEN, *Sec'ry.*

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, January Session, A. D. 1842.

An Act in amendment of an Act entitled "An Act revising the Act entitled an Act regulating the manner of admitting Freemen, and directing the method of electing officers in this State."

Whereas the good people of this State, having elected delegates to a Convention to form a Constitution, which Constitution, if ratified by the people, will be the supreme law of the State, therefore,

Be it enacted by the General Assembly, as follows :

All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such Constitution, shall be qualified to vote upon the question of the adoption of said Constitution.

True copy :—*Witness,*

HENRY BOWEN, *Sec'ry.*

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, January Session, A. D. 1842.

Resolved, that so much of the Resolution relative to a Convention for making a Constitution, passed at the January session, 1841, as requires the Secretary of State to cause one thousand copies of the Constitution, and fifteen thousand ballots to be distributed to the several town and city Clerks, be amended, so that he shall cause five thousand copies of said Constitution, and twenty-five thousand ballots to be distribut-

ed in the same manner as is required by the aforesaid Resolution.

Resolved, that said Convention be authorized to appoint one or more days for voting on the adoption of said Constitution.

True copy :—*Witness*,

HENRY BOWEN, *Sec'ry*.

STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, January Session, A. D. 1842.

Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such Constitution to be the supreme law, and have communicated such Constitution unto this General Assembly ; and whereas many of the good people of this State are in danger of being misled by these informal proceedings : therefore,

It is hereby resolved by this General Assembly, That all acts done by the persons aforesaid for the purpose of imposing upon this State a Constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

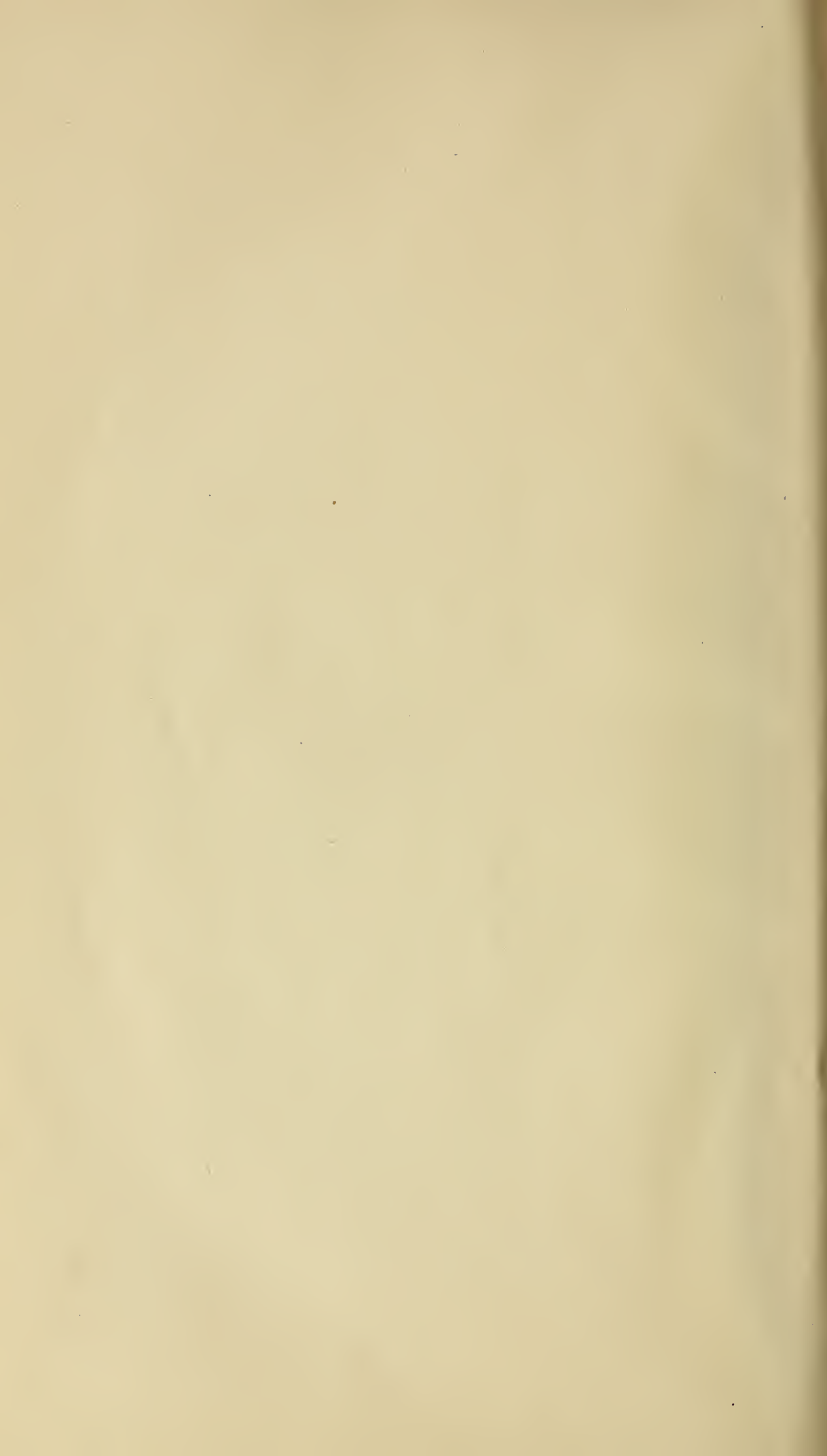
Resolved, That the Convention called and organized in pursuance of an act of this General Assembly, for the purpose of forming a Constitution to be submitted to the people of this State, is the only body which we can recognize as authorized to form such a Constitution ; and to this Constitution the whole people have a right to look, and we are assured they will not look in vain for such a form of government as will promote their peace, security and happiness.

Resolved, That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.

True copy :—*Witness*,

HENRY BOWEN, *Sec'ry*.











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